

**5836. Misbranding of "Japanese Wild Cherry Cough Syrup," and "Japanese Herb Laxative Compound." U. S. \* \* \* v. Torata Tanaka (Japanese Remedy Co.). Plea of guilty. Fine, \$75 and costs. (F. & D. No. 8354. I. S. Nos. 11435-m, 11436-m.)**

On September 26, 1917, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Torata Tanaka, trading as the Japanese Remedy Co., St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about September 18, 1916, from the State of Missouri into the State of Illinois, of quantities of articles labeled in part, "Japanese Wild Cherry Cough Syrup" and "Japanese Herb Laxative Compound," which were misbranded.

Analysis of a sample of the "Cough Syrup" by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)-----	5.0
Nonvolatile at 100° C. (grams per 100 cc)-----	29.3
Ash (gram per 100 cc)-----	0.2
Reinsch test for mercury, arsenic, and antimony-----	Negative
Menthol-----	Present
Aromatics-----	Trace
Wild cherry (test for hydrocyanic acid)-----	Negative
Reducing sugars after inversion (grams per 100 cc)---	26.7
Plant extractives and tannin-----	Present
Unidentified alkaloid-----	Trace

The sample consisted essentially of a hydroalcoholic solution of plant material and menthol.

The "Laxative Compound":

The sample consisted essentially of a dilute hydroalcoholic solution of plant materials bearing emodin.

It was alleged in substance in the information that the "Cough Syrup" was misbranded for the reason that certain statements appearing on its label falsely and fraudulently represented it as a remedy for all lung diseases, all coughs, whooping cough, catarrh, la grippe, bronchitis, and all inflammation of the air passages, and as a cure for coughs, and as a remedy in deep seated diseases of the chest mucous membrane, when, in truth and in fact, it was not.

Misbranding of the "Laxative Compound" was alleged for the reason that it contained alcohol, and its label failed to bear a statement of the proportion or quantity of alcohol contained therein. It was alleged in substance that the article was misbranded for the further reason that certain statements appearing on its label falsely and fraudulently represented it as a remedy for all old blood diseases, as a true nerve and blood tonic, and as effective to aid the digestion, to cleanse the blood, strengthen the nerves, and create an appetite, and as a remedy for rheumatism, blood disorders, stomach trouble, liver and kidney complaint, sick headache, malaria, indigestion, dyspepsia, constipation, catarrh, skin diseases, nervousness, salt rheum, scrofula, neuralgia, the aftereffects of la grippe, palpitation of the heart, all forms of weakness, and all diseases resulting from vitiated humors of the blood, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the

circular accompanying the article falsely and fraudulently represented it to be effective as a blood purifier, to give new life and richness to the blood, and to restore shattered nerves, and as a remedy for nervousness and sick headache, neuralgia, heart and stomach trouble, rheumatism, catarrh, skin diseases, indigestion, dyspepsia, constipation, liver and kidney complaint, scrofula, malaria, syphilitic affections, and all diseases resulting from vitiated humors of the blood, when, in truth and in fact, it was not.

On October 15, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*